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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,606	02/19/2004	Jae-Hee Oh	9862-000026/US	3174
30593	7590	05/10/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			NADAV, ORI	
P.O. BOX 8910			ART UNIT	
RESTON, VA 20195			PAPER NUMBER	
			2811	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,606

Applicant(s)

OH ET AL

Examiner

ori nadav

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 10-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a lower electrode height and a first metal thickness being substantially identical, as recited in claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2 and 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed limitations of the lower electrode height and the first metal thickness are substantially identical, as recited in claim 1, are unclear as to in what respect the lower electrode height and the first metal thickness are identical. It is further unclear as to which element is the lower electrode height.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 5-9, insofar as in compliance with 35 U.S.C. 112, are rejected under 35 U.S.C. 103(a) as being unpatentable over Okumura et al. (6,163,046).

Regarding claim 1, Okumura et al. teach in figures 35 and 38 and related text a semiconductor device comprising:

- a cell array region 3 formed in a semiconductor substrate and including a capacitor having a lower electrode, the lower electrode having a lower electrode height;

- a peripheral circuit region 4 formed in the semiconductor substrate and including a first metal wiring, the first metal wiring having a first metal thickness;

- a first insulating layer formed on the cell array region and the peripheral circuit region and having openings; and

- a second insulating layer formed on the first insulating layer, the first metal wiring being arranged in the second insulating layer,

- wherein a lower surface of the lower electrode 16 and a lower surface of the first metal wiring 21B are in a substantially planar orientation.

Okumura et al. do not state that the lower electrode height and the first metal thickness are substantially identical.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the lower electrode height and the first metal thickness substantially identical in Okumura et al.'s device in order to improve the characteristics of the device by routine optimization and experimentation, such that the device can be more simply formed to be used in an application which requires specific characteristics.

Regarding claims 2 and 5-9, Okumura et al. teach in figures 35 and 38 and related text a first conductive plug extending through the first insulating layer to connect the lower electrode to the semiconductor substrate; and

a second conductive plug extending through the first insulating layer to connect the first metal wiring to the semiconductor substrate.

first gate structures formed in the cell array region, the first insulating layer being formed on the first gate structures;

second gate structures formed in the peripheral region, the first insulating layer being formed on the second gate structures;

a first storage node contact hole and a first bit line contact hole formed through the first insulating layer for exposing a first surface of the substrate in the cell array region;

first metal contact holes formed through the first insulating layer for exposing the first and second gate structures and a second surface of the substrate in the peripheral region;

conductive plugs formed in the first storage node contact hole, the first bit line contact hole and the first metal contact hole, the first metal wiring being in electrical contact with the conductive plug in the first metal contact hole;

a capacitor formed in the second insulating layer in the cell array region, the capacitor being in electrical contact with the conductive plug in the first storage node contact hole;

an insulating interlayer 20 formed on the capacitor, the first metal wiring and the second insulating layer; and

a second metal wiring 32 formed on the insulating interlayer in the peripheral region, the second metal wiring being electrically connected to the first metal wiring,

wherein the peripheral region includes at least one of core circuitry peripheral circuitry and logic circuitry,

wherein the capacitor has a metal/insulator/metal structure, and

a bit line formed on the insulating interlayer and electrically connected to the conductive plug in the first bit line contact hole through a second bit line contact hole formed through the insulating interlayer, wherein the bit line and the second metal wiring are formed from a single metal layer,

wherein the insulating interlayer includes a first sub-layer formed on the first metal wiring and a second sub-layer formed on the capacitor, the first metal wiring and the first sub-layer.

Response to Arguments

Applicant argues that the drawings depict a lower electrode height and a first metal thickness being substantially identical, as recited in claim 1, the height of the lower electrode 126 commences at the lower surface of first layer 120 up to the surface of the lower layer 124a of the second layer 124, and the thickness of the metal wiring 122 commences at the lower surface of first layer 120 up to the lower layer 124a of the second layer 124.

Figure 4D depicts the height of the lower electrode 126 commences at the lower surface of first layer 120 up to the upper surface of the lower layer 124a of the second layer 124, whereas the thickness of the metal wiring 122 commences at the left sidewall of layer 122a up to the right sidewall of layer 122a. Even if one consider applicant's argument that the reference in claim 1 is made to the height of metal wiring 122, the height of the metal wiring 122 commences at the lower surface of first layer 120 up to the lower surface (and not the upper surface) of the lower layer 124a of the second layer 124. Therefore, the drawings do not depict a lower electrode height and a first metal thickness being substantially identical, as recited in claim 1.

Applicant argues that the USPTO cannot object to the title in which applicant broadly describes the invention as a semiconductor device.

If the examiner accepted applicant's argument, then all the patents in the semiconductor industry would have the same title since they are all semiconductor devices.

Applicant argues that the claimed limitations of the lower electrode height and the first metal thickness are substantially identical, as recited in claim 1, are clear because the lower electrode 126 and metal pattern wirings 122 have substantially the same height in layer 120.

The limitations of a lower electrode 126 and metal pattern wirings 122 have substantially the same height in layer 120, are not recited in the rejected claim(s).

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Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Okumura does not teach a lower electrode, because Okumura does not disclose a capacitor having a lower electrode.

A capacitor is defined and operates as a device comprising lower and upper electrodes having an insulation there between. Therefore, although Okumura et al. do not explicitly mention the phrase "a lower electrode", this feature is inherent in Okumura et al.'s capacitor.

Applicant argues that there is the motivation to form a lower electrode height and the first metal thickness being substantially identical is not clear.

The device characteristics depend on the capacitor characteristics, and the capacitor characteristics are determined by the dimensions and materials of the lower and upper electrodes and the insulation layer there between. Therefore, in order to more simply form and use the device in an application which require specific capacitor characteristics, an artisan would be motivated to form the lower electrode height and the first metal thickness substantially identical.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

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Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(571) 272-1660**. The Examiner is in the Office generally between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **308-0956**

A handwritten signature in black ink, appearing to read 'Ori Nadav', with a stylized flourish at the end.

O.N.
5/5/05

ORI NADAV
PRIMARY EXAMINER
TECHNOLOGY CENTER 2800